THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 23649 OF 1997

Date: 28.02.2007

Between:

D.L.N. Rao and 26 others.

... Petitioners.

And

Govt. of A.P. rep., by its Secretary, Industries, Hyderabad and three others.

... Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 23649 OF 1997

ORDER:

The petitioners-employees of Chodavaram Cooperative Sugars Ltd., Govada, Visakhapatnam District seek regularization of their services under G.O.Ms. No. 212 dated 22.04.1994. It is their specific case that the 4th respondent is an instrumentality of the State under Article 12 of the Constitution of India and as such the petitioners, who were employees of the 4th respondent, are entitled for their services being regularized in terms of G.O.Ms. No. 212 dated 22.04.1994.

As held in **Secretary, State of Karnataka Vs. Umadevi**[1] no right accrues in favour of daily wage/part time employees to claim regularization. Since the Government has chosen to frame a scheme of regularization, if the conditions stipulated therein are satisfied, the judgment of the Supreme Court in **Umadevi**[1], would not disentitle such employees from being given the benefit of regularization as prescribed in the said G.O. Pursuant to the directions of this Court in W.P. Nos. 25557 of 1995, 17994 of 1995 and 18811 of 1995 dated 18.07.1996 and 19.07.1996, the case of the petitioners were examined and the Government, vide G.O.Ms. No. 79 dated 15.04.1997, decided to reject the request of the petitioners for regularization of their services in Chodavaram Cooperative Sugar Factory Ltd., on the ground that none of the petitioners satisfied the conditions laid down in G.O.Ms. No. 212 dated 22.04.1994, were not eligible for regularisation of their

services and that the said G.O. did not apply to seasonal and part-time NMRs.

Dr. P.B. Vijay Kumar, learned Counsel for the petitioner would, however, submit that even part time employees are entitled for regularization under the scheme prescribed in G.O(P). No. 112, Fin. and Plg., dated 23.07.1997. The question whether the scheme provided for in G.O(P). No. 112, Fin. and Plg., dated 23.07.1997 entitled the petitioners to be given the benefit of regularization has not been examined by the first respondent. As, admittedly, the petitioners are not covered by the scheme of regularisation prescribed under G.O.Ms. No. 212 dated 22.04.1994, the relief sought for in the writ petition cannot be granted.

Since it is now contended by the petitioners that they are entitled to have their services regularized in accordance with G.O. (P). No. 112 dated 23.07.1997, ends of justice would be met if the petitioners are permitted to submit a representation to the first respondent giving details as to how they are entitled to seek regularization in terms of G.O. (P). No. 112 dated 23.07.1997. Dr. P.B. Vijay Kumar, learned Counsel for the petitioner would submit that such a representation would be made within four weeks from the date of receipt of a copy of this order. There shall be a direction to the first respondent to examine the representation of the petitioners and, if they are eligible and satisfy the conditions prescribed in G.O (P). No. 112 dated 23.07.1997, consider their case for regularization as provided for therein within a period of four months from the date of receipt of such representation.

The writ petition is disposed of. No costs.

Date: 28.02.2007 RAMESH RANGANATHAN, J

MRKR

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[1] (2006) 4 SCC 1